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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION

No. 374—L. C., dated 30th June 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill for the Protection of Judicial Officers is published for general information with a Statement of Objects and Reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill for the Protection of Judicial Officers.

WHEREAS it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Non-liability to suit of officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

And no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

STATEMENT OF OBJECTS AND REASONS.

Although provision has been made in several of the existing enactments for the protection from civil liability of officers acting in a judicial capacity, Government consider it desirable to provide for such protection in a single enactment.

On the recommendation of the Select Committee of the Mysore Legislative Council that considered the Code of Civil Procedure Bill, the Judicial Officers' Protection Act, XVIII of 1850, of the Government of India has been taken as the basis of the present draft Regulation. Clause 2 of the Bill repeals Section 152 A of the new Civil Procedure Code as it will not be necessary after the passing of this Bill.

NOTIFICATION.

No. 1—L. C. Enc. 1, dated 1st July 1911.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Indian Evidence Act as in force in Mysore, is published for general information.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

**Report of the Select Committee on the Bill to amend the
Indian Evidence Act as in force in Mysore.**

We, the members of the above Committee, have the honour to state that we have carefully considered the Bill and are of opinion that it calls for no alteration and may therefore be passed in the form in which it was introduced.

H. V. NANJUNDAYYA.

D. DEVARAJ URS.

S. NARAYANA RAO.

C. SRINIVASIENGAR.

M. C. RANGIENGAR.

SYED AMIR HASSAN.

D. VENKATARAMAIA.

A. RAMANNA.

12th June 1911, Mysore.

NOTIFICATION.

No. 2—L. C. Enc. 2, dated 1st July 1911.

Under Rule 40 of the Rules for the conduct of Business of the Mysore Legislative Council, the accompanying report of the Select Committee on the Bill to provide for the Prevention of Smoking by Juveniles in Mysore is published for general information with the Bill as amended by the Committee.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

**Report of the Select Committee on the Bill to provide for the
prevention of Smoking by Juveniles.**

We, the members of the above Committee, have the honor to submit the following report on the Bill.

1. *Clause 1 (1).*—The word "Mysore" occurring in the short title of the Bill has been omitted as unnecessary.

2. *Clause 2.*—The question whether the chewing of tobacco and taking it in as snuff should also fall within the scope of the Bill was considered by us and we came to the conclusion that in order that the use of tobacco by youths may be effectively prevented, it would be better to provide for such use of it as well.

3. *Clauses 3 and 4.*—As according to the definition “tobacco” includes “cigars and cigarettes,” we have omitted these words from these clauses. The words “cigarette papers” have also been omitted, as the use of tobacco by juveniles after rolling it into cigarettes with cigarette papers is rare and the provision may cause inconvenience to adults, who will have to give written permission if on any occasion it should be necessary for them to send boys to purchase such papers for their (adults’) own use.

4. *Clauses 5 and 7.*—To make the idea in clause 5 complete, we have added the words “and at once set him free” at the end of this clause and have recast clause 7 suitably. In cases where the police find it difficult to produce persons apprehended for an offence under the Bill before a Magistrate early, and to prevent the detention of such persons in the police custody for an unnecessarily long time, provision has been made in clause 7 requiring that such persons shall be released on an undertaking in writing being given by their parent, guardian or some responsible person for their production when called for. With these alterations, clause 7 will read as follows:—

“7. If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.”

5. *Clause 6.*—We have substituted the words “the Officer in charge of the said Police Station” for the words “the said Police Officer” in this clause.

6. *Clause 8.*—Under Section 64 of the Indian Penal Code, it would be competent to a Magistrate to award imprisonment in default of payment of fine imposed under this clause. The object of the Bill being mainly educative, we are of opinion that no imprisonment should be awarded under it either as a substantive punishment or in default of payment of fine. We have accordingly added a proviso to this clause.

7. We recommend that the Bill as thus amended by us be adopted by the Council.

H. V. NANJUNDAYYA.

D. DEVARAJ URS.

S. NARAYANA RAO.

C. SRINIVASIENGAR.

M. C. RANGIENGAR.

SYED AMIR HASSAN.

D. VENKATARAMAIA.

Mysore,
12th June 1911.

A Bill to provide for the Prevention of Smoking by Juveniles.

(As amended by the Select Committee.)

[N. B.—The portions in square brackets are those omitted and those in italics are those newly added by the Select Committee.]

Whereas it is expedient to provide for the prevention of smoking by youthful persons in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Short title.

Extent and commencement.

Interpretation.

Police Officer.

the Rules for the organisation and regulation of the Village Police for the time being in force.

1. (1) This Regulation shall be called “The [Mysore] Prevention of Juvenile Smoking Regulation”

(2) It shall extend to the whole of Mysore; and

(3) It shall come into force from

2. In this Regulation unless there is something repugnant in the subject or context:—

“Police Officer” shall mean a member of the Regular Police Force appointed under the Mysore Police Regulation, 1908, as well as a member of the Village Police Force appointed under

"Tobacco" shall mean tobacco cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff.

Tobacco.

3. If any person sells to a person apparently under the age of sixteen years, except on the written order of the parent, guardian or employer of such last-named person, any [cigars, cigarettes] tobacco [or cigarette papers], he shall be liable, on conviction before a Magistrate, in the case of a first offence, to a fine not exceeding twenty rupees, and in the case of a second offence, to a fine not exceeding fifty rupees, and in the case of a third and every subsequent conviction, to a fine not exceeding one hundred rupees.

Penalty on selling tobacco to youthful persons.

4. It shall be the duty of a Police Officer to seize any [cigars, cigarettes] tobacco [or cigarette papers] in the possession of any person apparently under the age of sixteen whom he finds smoking, or chewing or taking in as snuff, tobacco in any street or public place.

Seizure of tobacco.

5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian and ascertain if he is a pupil of any public school *and at once set him free.*

Tobacco seized how dealt with.

6. The [said Police] Officer *in charge of the said Police Station* shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.

Notice to be given after seizure.

7. [The person who had the articles in his possession shall be set free, except in the case of a seizure after the lapse of three months from the date of the issue of any notice under the last preceding section, in which case, he may be sent in custody before the nearest Magistrate.]

Person found with tobacco how dealt with.

If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.

8. When a person under sixteen years of age is produced before a Magistrate under the last preceding section, such Magistrate may either discharge him with a warning or inflict on him a fine not exceeding one rupee or order him to receive six stripes in the way of school discipline. *Provided that no imprisonment shall be awarded in default of payment of fine.*

Punishment.

9. Any sentence of whipping passed under this Regulation shall be administered privately in the presence of the Magistrate.

Whipping.